

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. §1.112, are respectfully requested in light of the remarks which follow.

As noted in the Office Action Summary, claims 54, 55, 61, 63, 64, 66, 68-71, 73, 75, 76, 81-97, 100-103, 105, 106 and 110 are pending. Applicants note with appreciation that claims 54, 55, 66, 68-71, 73, 75, 76, 81-97, 100-103, 105 and 106 are indicated as allowed. Claim 110 is amended herein. Basis for the amendment to claim 110 may be found throughout the specification as-filed. Claims 61, 63 and 64 are canceled herein without prejudice or disclaimer. Applicants reserve the right to file at least one continuation or divisional application directed to any subject matter canceled by way of the present Amendment. No new matter is presented by way of the present Amendment.

Applicants also note with appreciation that the objections to claims 75-76, 81-97, 102, 103, 105 and 106, the rejections under 35 U.S.C. § 101, the rejections of claims 66, 104, and 107-109 under 35 U.S.C. § 112, first paragraph, the rejections of claims 61-64, 77-80, 99, and 107-108 under 35 U.S.C. § 112, second paragraph, and the rejection of claim 66 under 35 U.S.C. § 102 have been withdrawn.

Rejections Under 35 U.S.C. § 112, first paragraph

Claims 61, 63, 64 and 100 are rejected under 35 U.S.C. 112, first paragraph as purportedly failing to comply with the written description requirement. The Office argues that there is insufficient disclosure as to structure and function of the claimed peptide variants and thus the skilled artisan could not know what peptides have the same function as the peptides of SEQ ID NOs: 70,72,73,74,80-83,87-91, 93-95 or

97. Claims 61, 63, and 64 are canceled without prejudice or disclaimer thereto.

Claim 110 is amended herein to recite that the peptide is the amino acid sequence consisting of TK or EATK (SEQ ID NO:102) at the amino acid terminus of the peptide of SEQ IS NO:70, 72, 73, 74, 80-83, 87-91, 93-95, or 97. Thus, Applicants submit the claimed peptides are clear to the skilled artisan and request that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 112, second paragraph

Claim 64 is rejected under 35 U.S.C. 112, second paragraph as purportedly indefinite. Claim 64 is canceled herein without prejudice or disclaimer thereto, and thus this rejection is moot.

CONCLUSION

It is respectfully submitted that all rejections have been overcome by the above amendments. Thus, a Notice of Allowance is respectfully requested.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (703) 836-6620 so that prosecution of the application may be expedited.

Respectfully submitted,

Date October 5, 2006

By: 
Deborah H. Yellin
Registration No. 45,904

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620